REMARKS/ARGUMENTS

Claims 1, 2, 5, 8, 8, 13, were amended. Claims 3, 4, 6, 7, 10, 11, 12, 14, 15 remain unchanged. Claims 16-28 were previously withdrawn, as being drawn to a non-elected invention. The election was made without traverse.

Claim1 was amended to emphasize that "the smart card reader/writer module is adapted to receive and read information stored in a smart card residing outside of the mobile device and outside of the smart card reader without contacting said smart card and transmit said information to an entity via said wireless network".

Claims 1-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Benson (US 6,747,547) in view of Fox et al (US 5, 943,624). Applicant respectfully traverses this rejection for the following reasons.

A. As the Examiner admitted, the cited Benson reference does not teach connecting a smart card reader module to the mobile device via the SIM card slot where the smart card reader reads information stored in an external smart card without contacting the external smart card, i.e., the smart card reader is not a "contactless smart card reader". Referring to the cited Benson reference column 6, lines 1-24, the alternative battery and apparatus back pack 2 includes a CPU 10 connected to the existing phone SIM socket 12. Also connected to the CPU is an OSIM interface 19 and an ESIM interface 22. The ESIM interface 22 includes an ESIM connector 23 that "may be a SMART card reader'. In other words, the Benson reference does not teach a "contactless" smart card reader.

B. It was then argued that Fox teaches that a smart card reader/writer operable in a cellular phone may operate in a contactless setting. However, Fox's contactless setting configuration is different from the present invention's contactless configuration. Referring to, column 2, lines 10-29, Fox et al teach incorporating a smart card (logic function) 42 and a smart card RF interface 40 within the cell phone 10. The smart card RF interface 40 provides a contactless interface between the smart card 42 (residing

within the cell phone) and an external reader system (not shown) (See FIG. 4 and column 2, lines 10-29).

Contrary to that the present invention of claim 1 teaches a smart card residing outside of the mobile device and outside of the smart card reader.

C. Furthermore, Fox et al teach that it is desirable to incorporate the smart card within the cell phone 10, to protect the electronics from damage and to decreases the likelihood that the smart card will be stolen or lost (see Abstract, column 1, lines 40-50). In other words, a smart card residing outside of the cell phone is undesirable according to Fox et al. Therefore, Fox et al teach away from a smart card residing outside of the cell phone.

The Examiner argued in the advisory action that "The piece of memory commonly referred to as a "smartcard" housed in Fox's cellular phone has the ability to read information from said smartcard housed within". We agree with the Examiner, "the smartcard is housed within Fox's cellular phone and has the ability to read information from the smartcard housed within".

However, Fox does not teach a smart card reader/write module that reads information from a smart card without contacting the smart card (i.e., contactlessly) and where the smart card resides outside of the cell phone and outside of the smart card reader.

Therefore, based on A, B and C we conclude that neither Benson nor Fox teach incorporating a smart card reader within the cell phone and using the smart card reader/writer module to receive and read information stored in a smart card without contacting the smart card (i.e., contactlessly) and where the smart card resides outside of the cell phone and outside of the smart card reader and then transmitting the information to an entity via a wireless network.

D. Furthermore, it was argued that Benson teaches that a smart card may be used for payment. However, this is not true either. Referring to the cited column 4, lines 54-60,

Benson teaches "Other equipment does require authentication from time to time for instance decoders for translation of television signals which might be connected by optical cable and otherwise to a signal provider, and such devices also then include an authentication module to ensure that a subscriber has an arrangement to effect payment for the services provided." In other words, a subscriber may have an arrangement for paying for the mentioned service but there is no mentioning of providing payment via a smart card and in particular via the smart card configuration of claim 1.

Therefore, based on A, B, C and D we conclude that neither Benson nor Fox teach incorporating a contactless card reader within the cell phone and communicating contactlessly with a smart card residing outside of the cell phone and the card reader or paying with a smart card residing outside of the cell phone. Accordingly, claim 1 is patentably distinguishable from Benson and/or Fox alone or in combination and the 35 U.S.C. 103(a) rejection is overcome.

Claims 2-15 depend directly or indirectly upon claim 1 and since claims 1 are patentably distinguishable from the cited prior art they should also be distinguishable from the cited prior art either alone or in combination with any other prior art.

It is believed that all of the pending claims have been addressed in this paper. Failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. Nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the above, it is submitted that claims 1-15 are in condition for allowance. Reconsideration of the claims rejection is requested and allowance of all claims at an early date is solicited.

If this response is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at 617-558-5389

Respectfully submitted,

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I hereby certify under 37 CFR 1.10 that this correspondence is being electronically submitted on the date indicated above and is addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450